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Security Council

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Wednesday, 3 December 2008, 5.10 p.m.

New York

President:	Mr. Jurica	(Croatia)
Members:	Belgium	Mr. Grauls
	Burkina Faso	Mr. Kafando
	China	Mr. La Yifan
	Costa Rica	Mr. Urbina
	France	Mr. Lacroix
	Indonesia	Mr. Natalegawa
	Italy	Mr. Mantovani
	Libyan Arab Jamahiriya	Mr. Ettalhi
	Panama	Mr. Suescum
	Russian Federation	Mr. Dolgov
	South Africa	Mr. Kumalo
	United Kingdom of Great Britain and Northern Ireland	Ms. Pierce
	United States of America	Mr. Wolff
	Viet Nam	Mr. Bui The Giang

Agenda

The situation in the Middle East, including the Palestinian question

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08-63224 (E)

The meeting was called to order at 5.05 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East, including the Palestinian question

The President: I should like to inform the Council that I have received a letter from the representative of Israel, in which she requests to be invited to participate in the consideration of the item on the Council's agenda. In accordance with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the consideration of the item without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Ms. Shalev (Israel) took a seat at the Council table.

The President: I should like to inform the Council that I have received a letter dated 3 December 2008 from the Permanent Observer of Palestine to the United Nations, which will be issued as document S/2008/755 and which reads as follows:

> "I have the honour to request that, in accordance with its previous practice, the Security Council invite the Permanent Observer of Palestine to the United Nations to participate in the meeting of the Security Council, which will be held on Wednesday, 3 December 2008, regarding the situation in the Middle East, including the Palestinian question."

I propose, with the consent of the Council, to invite the Permanent Observer of Palestine to participate in the meeting, in accordance with the provisional rules of procedure and the previous practice in this regard.

There being no objection, it is so decided.

At the invitation of the President, Mr. Mansour (Palestine) took a seat at the Council table.

The President: The Security Council will now begin its consideration of the item on its agenda.

The Security Council is meeting in response to a letter dated 2 December 2008 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the President of the Security Council, which will be issued as document S/2008/754. I should also like to draw the attention of Council members to another letter dated 2 December 2008 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the President of the Security Council, contained in document S/2008/753.

I now give the floor to the representative of the Libyan Arab Jamahiriya.

Mr. Ettalhi (Libyan Arab Jamahiriya) (*spoke in Arabic*): I shall begin with a brief review of the situation that has led me to ask the Council to convene.

On the morning of Monday, 1 December 2008, the Libyan ship *Al-Marwa* was headed for the port of Gaza loaded with humanitarian aid — specifically, flour, rice, vegetable oil, dairy products and medicine — destined for the population of the Gaza Strip, which has been under an almost total siege by the Israeli authorities for several weeks. As the Council is aware, Israeli authorities have even prevented the United Nations Relief and Works Agency for Palestine Refugees in the Near East from delivering assistance to the Gaza Strip. While en route to the port of Gaza, the *Al-Marwa* was intercepted by two Israeli gunboats, which initially simply collected information about the crew and cargo; then they ordered it to return from where it came, explicitly threatening to destroy it if it failed to comply with that order.

At that time, I informed the President of the Security Council of the incident in order for the issue to be brought before the Council for the urgent action necessary to permit the ship to enter the port and unload its cargo. In my letter to the President (S/2008/754), I made it clear that Libya would accept inspection of the ship by the United Nations or by any humanitarian organization, such as the Red Crescent or the Red Cross, to verify that it did not hold anything but a crew, foodstuffs and medicine.

Having been threatened with the use of force, the ship had no option but to head away from the Palestinian coast and into international waters. However, the Israeli gunboats pursued the ship and forced its crew, under threat of force, to sail in a specific direction and not change that direction. At

times, in addition to the gunboats, aircraft flew overhead.

The actions of the Israeli authorities, which have often claimed to have withdrawn from Gaza, are an explicit act of piracy under article 101 of the United Nations Convention on the Law of the Sea. Under that article, piracy is defined as any illegal acts perpetrated on the high seas against a private ship or against persons or property on board outside the jurisdiction of any State. The Libyan ship was more than 220 nautical miles from the coast of Gaza at 5.55 p.m., Libyan time, when the Israeli boats were forcing it to head in a specific direction under threat of force.

Under international conventions in force, States are obliged to extend their full cooperation to suppress piracy on the high seas or anywhere outside the jurisdiction of any State. In recent months, the Security Council has dealt with the growing phenomenon of piracy and assumed its responsibilities and adopted a series of important resolutions aimed at making the suppression of piracy an obligation enshrined in international law. In response to that trend, and in accordance with obligations under international law, we call upon the Council to assume its responsibilities and condemn the actions by Israeli authorities vis-à-vis the Libyan ship *Al-Marwa*, which was carrying humanitarian assistance. We also call on it to take effective steps to ensure Israel's compliance with international humanitarian law and the United Nations Convention on the Law of the Sea and to hold it accountable for its deliberate violations of the freedom of navigation on the high seas.

We would today like to remind the Security Council that Israeli authorities shot down a Libyan aircraft over the Sinai in 1973, despite having identified it as a civilian craft whose passengers included children. That serious precedent leads us to conclude that Israeli authorities would not hesitate to perpetrate the same crime against the Libyan ship. It would be a flagrant violation of international law if the Council were to remain silent in the face of Israel's actions and its collective punishment by way of the suffocating siege against 1.5 million Palestinians.

Once again, we hope that the Council will assume its responsibilities with regard to what has occurred and what is happening now. We hope that, with Israel having closed all land crossings, the Libyan ship will be able to continue its voyage in safety and enter the port of Gaza to unload its cargo. We also hope that all other ships carrying humanitarian aid will be able to enter that port.

My delegation has prepared a draft press communiqué. We hope that consultations will continue and that the Council will achieve consensus thereon.

The President: I now give the floor to the representative of Israel.

Ms. Shalev (Israel): Today is a sad day for the Security Council, for today the Council that we all appreciate so much has been outrageously compelled to meet in order to promote the particular agenda of a certain member State of the Council. That certain member State intentionally chose to abuse the procedures of the Security Council in order to distract it from addressing the dire problems of the international community.

Serving as a member of the Security Council entails a serious and solemn responsibility. That is why the Charter of the United Nations establishes clear demands for the non-permanent members, noting that,

> "due regard [should be] specially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization".

The Libyan Arab Jamahiriya knows no such responsibility. When Israeli students were murdered in Jerusalem last March by a Palestinian terrorist, it was Libya that opposed the unanimous will of the members of the Council to condemn the attack. Fourteen members of the Security Council understood their responsibility. Libya did not.

Since its election to the Council, Libya has prevented any initiative on Middle Eastern issues that contradicts its narrow political agenda. Libya even refused to participate in briefings by the Israeli mission on various topics relevant to the work of the Security Council. Those examples are a clear demonstration that Libya does not understand its role in this Council, its obligations or its responsibilities.

This meeting of the Security Council has nothing to do with threats to international peace and security. It is a provocative abuse of procedure, nothing more. If Libya was genuinely interested in supporting peace and security in the Middle East, it would have condemned

Hamas when it brutally took control of the Gaza Strip in a violent coup against the moderate Palestinian Authority. It would have condemned the constant barrage of thousands of rockets and mortars on Israeli towns and villages by terrorists. It would have condemned Iran and Syria for harbouring, supporting and training terrorists in our region. It would have condemned the ongoing transfer of sophisticated weapons and financial resources to terrorist groups. But Libya did not.

Peace and security in the Middle East can be achieved only by supporting the moderates in our region and denouncing extremist elements. Yet Libya does the opposite. In fact, Libya has not provided any constructive contribution to support the bilateral peace process between Israel and the Palestinians. Moreover, Libya does not recognize the State of Israel and uses rhetoric and terminology that reflect a world view rooted in the past. The most evident proof of this is Libya's reference in its letter to my country Israel as the "Zionist entity". By using that term, Libya joins other extremist elements that deny Israel's legitimacy — Hamas, Islamic Jihad, Al-Qaida, Hizbollah, Iran and the Sudan. We should all ask ourselves whether it is a coincidence that Libya's current provocation was launched in close proximity to the meeting of the Council regarding the situation in Darfur.

Like any other State, the State of Israel has the right — in fact, the duty — to defend its citizens from terrorist attacks. No State member of this Council, nor any other Member of the United Nations, would allow a shipment originating from a hostile State to reach a territory that serves as a launching pad for terrorist attacks against its civilians.

To conclude, I would like to address directly the representative of Libya. If Libya truly desires to provide humanitarian support to the civilians in the Gaza Strip, there are ways and means to do so. Many States, including those without diplomatic relations with Israel, and international organizations use these mechanisms to provide humanitarian relief for the Gaza Strip. Let me emphasize that such mechanisms exist. They are coordinated with the international community. They are well known and do not necessitate media events and provocations like the one we are currently engaged in.

The President: I now give the floor to the Permanent Observer of Palestine.

Mr. Mansour (Palestine): I thank you, Sir, for convening this urgent meeting to address the critical situation in the occupied Palestinian territory, particularly the grave humanitarian situation in the Gaza Strip; as a result of the continued siege being imposed by Israel, the occupying Power.

Before proceeding, allow me to congratulate you and your country Croatia upon your assumption of the presidency of the Security Council this month, and to also take this opportunity to express our deep appreciation to Costa Rica for its most able and wise leadership of the Council last month. At this time, I wish also to convey our appreciation to the Libyan Arab Jamahiriya for its call for today's meeting to address the serious issues before us.

The situation in the whole of the occupied Palestinian territory, including East Jerusalem; remains extremely critical due to Israel's continuing violation of the human rights of the Palestinian people and its continuing colonization of Palestinian land by unlawful means and measures. Today, however, I wish to specifically address the crisis that is prevailing in the Gaza Strip, where more than 1.5 million Palestinians — including children, women, the elderly, and ill and disabled persons — are facing miserable socio-economic conditions, a dire humanitarian crisis and the virtual collapse of their society and all coping mechanisms as a result of Israel's total siege and closure of the area, which have obstructed even humanitarian aid from reaching the Palestinian civilian population.

In that regard, we regret that the Libyan ship *Al-Marwa*, which was attempting to deliver desperately needed humanitarian supplies to the population, was prevented from doing so by the occupying Power. This effort was undertaken following the recent call on the Arab countries by the League of Arab States Council of Ministers to provide emergency humanitarian assistance to the Palestinian people under occupation, particularly in the Gaza Strip, in order to alleviate their suffering and impoverishment resulting from the severe Israeli restrictions on the movement of persons and goods.

The Palestinian Authority expresses its appreciation for this Libyan effort and the good-will intentions to provide aid to our people by such extraordinary means, necessitated by the most unusual,

unacceptable and indeed deplorable circumstances in which our people find themselves.

We have come before the Security Council on several occasions to draw attention to the humanitarian catastrophe that is unfolding in the Gaza Strip as a result of Israel's illegal punitive measures, and we have repeatedly called upon the Council to shoulder its responsibilities under the United Nations Charter and act to bring an end to the inhuman siege and to compel Israel to comply with its obligations under international law, including humanitarian and human rights law.

In addition, there have been numerous reports by the Secretary-General and by several United Nations agencies highlighting the critical situation in the occupied Palestinian territory. Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, has specifically briefed the Council on the grim, deplorable situation in the Gaza Strip, and Mr. Robert Serry, United Nations Special Coordinator for the Middle East Peace Process, and Mr. Lynn Pascoe, Under-Secretary-General for Political Affairs, have also come before this Council numerous times, conveying the urgency and the stark reality of the humanitarian situation in the Gaza Strip and calling on Israel to lift its siege as well as calling for a new approach to the situation in Gaza. Regrettably, despite all our urgent pleas and repeated appeals, no measures have been undertaken to address that unjust situation.

Assessed under any pretext and in any context, Israel's collective punishment of the Palestinian civilian population in the Gaza Strip constitutes a grave violation of article 33 of the Fourth Geneva Convention, which, inter alia, prohibits the occupying Power from punishing a protected person for an offence he or she has not personally committed and prohibits the imposition of collective penalties and likewise all measures of intimidation or of terrorism. This provision of the Convention, whose direct purpose and intention is the protection of the civilian population in time of war, is being breached by Israel on a massive scale, constituting a war crime against the Palestinian people — a crime for which the occupying Power should be held fully accountable.

As we are all aware, since this crisis has unfolded before the eyes of the international community, the 17-month-long Israeli siege has transformed the Gaza Strip into an open-air prison that is not only totally separated from the rest of the Palestinian territory, but also completely isolated from the rest of the world. Israel has continued to impose this most severe and inhumane form of closure, even after the calm that has largely prevailed — despite several violations, including Israeli military attacks last month that killed dozens of Palestinians — since June of this year, following the ceasefire agreement reached through Egyptian mediation efforts, which were intended to break the cycle of violence as well as the blockade.

The occupying Power continues to close all of the Gaza Strip's border crossings and allowing only for the infrequent opening of some crossings under many restrictions. Restrictions continue to be imposed on the import of food, medicine, fuel, building materials and other essential supplies. That has caused a shortage of all necessities and is causing extensive human deprivation. Even purely humanitarian aid is being obstructed, as recently witnessed. In addition, Palestinian exports continue to be completely prohibited by the occupying Power, destroying thousands of livelihoods.

At the same time, Israel continues to obstruct the movement of persons, including patients requiring emergency medical treatment unavailable in Gaza, many of whom have died waiting for the right to travel outside Gaza. Israel also continues to hamper the access of humanitarian personnel to Gaza, including those working for United Nations agencies such as the United Nations Relief and Works Agency for Palestine Refugees in the Near East, which continues its valiant efforts to provide assistance to nearly 1 million refugees there despite the many restrictions, obstacles and shortages of supplies.

Every sector of life in the Gaza Strip has been disrupted by this criminal and punitive siege. Poverty, hunger, disease and unemployment have risen to alarming levels. In our world today, as we collectively face the growing economic and food crises and seek a panacea for them, I would like the members of the Council to pause to consider the following harsh realities that the Palestinian people in Gaza are being forced to endure, not as a result of a natural disaster or some unforeseen global development, but rather as a result of deliberate, unlawful policies carried out by the occupying Power, which are intended to punish the population and plunge it into desperation.

Today, 80 per cent of the civilians in Gaza — the majority of whom are refugees and 50 per cent of whom are children — live below the poverty line. Eighty per cent of the population is also dependent on food aid for survival. More than 95 per cent of the industries, businesses and workshops are now closed, and nearly 50 per cent of the workforce is unemployed. Health and sanitation systems and other infrastructure are falling into disrepair and decay as spare parts and building materials — including for United Nations projects — remain restricted and in scarce supply, hastening the collapse of those systems.

As reported by various United Nations agencies and international organizations, the negative short- and long-term repercussions of this crisis for the Palestinian people and their institutions, public services and infrastructure are vast and will be catastrophic if this situation continues. Moreover, without redress, tensions, insecurity and despair in the Gaza Strip will continue to rise and will further destabilize the entire situation in the occupied Palestinian territory, with all the destructive ramifications that that would have for the fragile and struggling peace process and thus the prospects for stability in the region as a whole.

The Palestinian leadership is engaged in a peace process and is committed to that process with a view to achieving a just, lasting and peaceful settlement of the question of Palestine in all its aspects. However, the existence of the peace process cannot be used as a cover or distraction by the occupying Power as it continues its pursuit of illegal policies and practices that are destroying Palestinian society, destroying Palestinian land and destroying our chances for achieving an end to the occupation, an end to the conflict and real peace for our peoples. Indeed, there is no legal, political, moral or human justification for the inhumane policies that Israel is carrying out against the Palestinian people, especially in the Gaza Strip.

While the Palestinian leadership continues to make every effort to advance the peace process and to uphold its commitments, Israel, to the contrary, continues its illegal practices and provocative actions in the occupied Palestinian territory. Examples include its intensification of settlement construction while we are negotiating and its debilitating and punitive blockade of the Gaza Strip, ensuring the further aggravation of tensions, the undermining of confidence and the continued deterioration of the situation on the ground. That is to no one's benefit; it will only hasten the destabilization of the situation and a resurgence of the deadly cycle of violence, which will surely sabotage the peace process. Such an outcome must be averted at all costs and requires urgent action, not continued tolerance for this totally unjust situation.

It is therefore imperative that Israel be compelled, first and foremost, to immediately and completely lift its siege of the Gaza Strip to allow for the movement of persons and goods in order to ease the isolation and humanitarian suffering of the Palestinian civilian population. In that regard, the Palestinian Authority once again reaffirms its readiness to assume responsibility for the Palestinian side of Gaza's border crossings, in line with the 2005 Agreement on Movement and Access. Israel should be called upon to abide by its commitments and legal obligations in that regard, including vis-à-vis the Palestinian civilian population under its occupation in the Gaza Strip, in compliance with the Fourth Geneva Convention, by which it is bound as the occupying Power.

The international community must act; it cannot remain on the sidelines as Israel continues to flagrantly and blatantly breach international law and United Nations resolutions, which has only emboldened the occupying Power in its impunity over time.

It is high time that the international community, including this Security Council, undertake its collective duty to exert the necessary, serious efforts to redress the illegal situation in the occupied Palestinian territory and bring an end to Israel's illegal policies and practices.

Peace can never be realized as long as Israel continues to defy the law and remains an unwilling partner in the peace process. The international community therefore must cease its appeasement of such behaviour by Israel and must shoulder its responsibilities to bring about a change of course that will actually help the parties to truly realize the two - State solution for peace, a sovereign, independent, contiguous and viable State of Palestine, living side by side with Israel in peace and security, based on the 1967 borders. Ultimately, this will bring peace to the region as a whole.

Mr. Wolff (United States of America): We are confronted today by a most unusual situation. The Council has been asked to meet by a Council member to react to a situation of its own making.

Libya, a country that does not have relations with Israel, which cannot even acknowledge its existence in the letter it sent to the Council that brought the issue under consideration to our attention, and which has an openly hostile attitude towards Israel, took the remarkable step of attempting to send one of its vessels to waters patrolled by Israel off Gaza in an attempt to land at a port which is not open to international maritime trade.

Given the current heightened international sensitivity to unpredictable and uncoordinated maritime activity, what country around this table would not have reacted as the Israeli Navy did in this case? The way Libya went about this was dangerous and irresponsible. To the best of my knowledge, the Charter, unfortunately, has no provision to deal with the folly of States.

This is not a meeting about the humanitarian situation in Gaza. However, if the objective of the Libyan action had been seriously to provide assistance to the people of Gaza, there are several ways to do so that do not involve such provocative, confrontational acts, and that would certainly have had a greater chance of allowing that assistance to get through. The manner which Libya chose seems almost designed to guarantee that the assistance would not be delivered.

Now, there are several viable alternatives used by every other State interested in providing assistance. First, Member States can directly approach the Palestinian Authority, the legitimate Government of the Palestinian people, and inquire about how best to deliver their proposed assistance. The Council of Ministers of the League of Arab States, for its part, issued a 26 November statement calling on Arab countries to send humanitarian assistance to the Gaza Strip and assigned specific responsibility to the Arab League's secretariat to coordinate with the Egyptian and Jordanian authorities to ensure the entry of that assistance to Gaza.

Why did the Libyan authorities not coordinate this in that manner? We are specifically aware, for example, of a shipment of Jordanian assistance that was successfully transferred through the Kerem Shalom crossing into Gaza on 27 November.

Secondly, Member States seeking to provide assistance to the people of Gaza can work through the existing institutions and programmes of the United Nations that have the mandate and the capacity to provide humanitarian assistance in Gaza. These United Nations institutions include the United Nations Relief and Works Agency for Palestine Refugees in the Near East, the United Nations Office for the Coordination of Humanitarian Affairs and the World Food Programme. One is, therefore, left with the impression that provocation — and perhaps even propaganda — was the intended objective of the Libyan vessel's activity.

The real lesson here is the need to avoid the repetition of such irresponsible action in how assistance is delivered. Under the circumstances, with the terrorist group Hamas controlling Gaza and perpetrating repeated violence and acts of terrorism against Israel, it is fortunate this incident of Libya's making did not escalate.

Our understanding from media accounts emerging from Tripoli is that, after Israeli vessels turned the Libyan vessel back on Monday, the Libyan vessel tried once again to enter the port on Tuesday without Israel's consent. Under these circumstances, Israel was justified in escorting the Libyan vessel beyond the territorial sea and into international waters.

It cannot be said that Israel's actions constituted piracy under the Law of the Sea Convention. Piracy has a very specific meaning under international law, including that the act has to have been by a private ship for private ends. It is absurd to assert that Israel committed an act of piracy. Indeed, the Israeli Navy simply approached the vessel, flagged by a hostile State, and instructed it to turn around and not continue into Gazan waters. It then ensured that it did not return to its original course. The Israeli Navy fired no shots and did not insist on boarding the Libyan vessel.

Mechanisms are clearly in place, as I have mentioned, for the transfer of humanitarian assistance to Gaza by Member States that truly want to do so. These non -provocative and non -confrontational mechanisms should be the ones used. Direct delivery by sea is neither appropriate nor responsible under the circumstances.

The United Nations recently issued a consolidated appeal for the West Bank and Gaza for $462 million to help the people of Gaza, and we would encourage all Member States to respond generously.

Finally, let us not forget the underlying reason this humanitarian crisis exists. The legitimate Palestinian Government's authority was usurped in the

Gaza Strip by the terrorist organization Hamas. Its instigation of violence through the construction of surreptitious tunnels from Gaza into Israeli territory of the type used to kidnap and kill Israeli soldiers and its indiscriminate rocket attacks on southern Israel and on the established humanitarian aid crossing points all continue. The Palestinian representative's lengthy prepared remarks would have enjoyed more credibility if he would have been able simply to repeat his leadership's own known views on this.

Once this situation, created by Hamas, is addressed, we are confident the humanitarian suffering resulting directly from Hamas's illegal acts will also be remedied.

Ms. Pierce (United Kingdom of Great Britain and Northern Ireland): As has been noted, and as you, Sir, indicated earlier in consultations, there will be an opportunity to address a much wider range of Middle East issues at the appropriate meetings later in the month. So today I will confine my remarks to the issue at immediate hand, which I think appears to be the delivery of humanitarian aid to Gaza in a particular circumstance.

We have the Libyan account, which we have heard from the Ambassador of Libya today in the Chamber, and we also have the Libyan letter. We have also heard a slightly different — in fact, a rather different — account of what actually happened at sea. I have no information myself to share with the Council, but I would simply note that I think it will be very difficult for the Council to agree on any sort of statement — press statement or otherwise — if we cannot establish the facts of the case to agreed satisfaction.

It is obviously important that there should be free passage of humanitarian goods and relief supplies into Gaza. Our position on this is very well known. We do hope that Israel as the occupying Power abides by the requirements of international law in ensuring that the necessary humanitarian supplies do reach Gaza. But it is also the case that very particular and exceptional circumstances apply in the Middle East, to Israel, to the situation around Gaza.

Because of those exceptional circumstances, it is necessary, as a matter of practicality, that aid and humanitarian deliveries are done in a certain way. That includes using United Nations channels and third countries, including members of the League of Arab States, in order to ensure that aid can enter Gaza safely and in coordination with all those who need to be involved. That may be frustrating, and it may be regrettable that circumstances dictate such arrangements, but as a matter of practicality, to help the people of Gaza, those channels are necessary and they should be used. Not to use them does raise doubts with regard to either the intention of people who do not use them or the lack of information available to them. I am sure that the latter point is something that is easily rectified.

I would just like to say, if I may, that we have answered the call to give aid to the people of Gaza. This year we have given over $100 million, or will have done so by the end of the year. We have given over $800 million since 1993 and have pledged to provide a further $400 million by 2011. We recognize the importance of helping to relieve the humanitarian situation in Gaza.

I also want to address the allegation of piracy. I have here the definition of piracy as set out in the Law of the Sea Convention, to which Ambassador Wolff also referred. It is a technical definition that says that piracy requires an act of violence or detention, or any act of depredation, committed for private ends by the crew or passengers of a private ship. As a matter of technicality, as I understand it, it was an Israeli naval vessel that was involved in the incident. By definition, that cannot constitute an act of piracy. I would just like that to be on the record in the Council.

We all hope that the situation concerning humanitarian relief for Gaza can be regularized. We all hope for an improvement in the situation on the ground that will allow for that normalization. But it does need to be borne in mind — and I want to make this very clear today — that that improvement will also require prior improvement in the situation of terrorist and other attacks on Israel. At the heart of this is the security situation in that part of the world. That critically and quintessentially includes the security of Israel and the right of Israel to self-defence.

Mr. Dolgov (*Russian Federation*) (*spoke in Russian*): The Russian Federation is carefully and with great concern following the developments with regard to the civilian ship *Al-Marwa*, which had a cargo of humanitarian assistance destined for the Palestinian population of the Gaza Strip. We are convinced that the tension that has arisen as a result of the unwillingness

of Israeli authorities to allow the ship into its port of call is a consequence of the drawn-out crisis caused by Israel's blockade of the Gaza Strip and the lack of any clarity as to how and when it will be lifted. We believe that ending the economic isolation of Gaza is an urgent task.

As a result of the truce between Hamas and Israel, the situation in the area has recently improved somewhat; however, it remains a far cry from normal. Achieving more or less sustained stability on the perimeter of Gaza can be achieved only by ensuring broad and unhindered access to Gaza for humanitarian deliveries — including food, medicine and fuel — and the resumption of full and normal operations at border crossings into the area.

The blockade of the Gaza Strip is among the major factors provoking the radicals' disruption of the truce, which has essentially undermined the efforts of Mahmoud Abbas and the entire international community to strengthen the institutions of the Palestinian Authority. That has reduced the Authority's leverage in the negotiations with the Israeli side. In that regard, we would like to draw attention to what was said in November in the course of the latest ministerial meeting of the Middle East Quartet at Sharm el-Sheikh, namely, the readiness to continue to work with Israel and the Palestinian Authority to facilitate access and movement and an improvement in conditions on the ground in order to address urgent humanitarian needs, foster economic activity and improve the atmosphere for the negotiations.

In providing substantial material assistance to the Palestinian territories, Russia is reaffirming its intention to further cooperate to improve the humanitarian situation and establish a healthy atmosphere and normal living conditions for the population.

Of course, in the process of resolving these issues, we cannot forget security guarantees for Israel. We reaffirm the need for a complete end to terrorist attacks on that country, first and foremost the firing of rockets from Palestinian territories. At the same time, ensuring Israel's legitimate security interests should not be done to the detriment of the no-less legitimate interests and needs of the civilian population of Gaza and the West Bank. The relevant obligations under international humanitarian law should be scrupulously observed by all countries.

Mr. Grauls (Belgium) (*spoke in French*): We have heard statements this afternoon by the delegations of Libya, Israel and Palestine. In the light of this afternoon's debate, I would first of all like to recall that respect for international humanitarian law is a permanent guiding principle of Belgium's interventions. That essential principle demands that all actors concerned demonstrate their sense of responsibility. A sense of responsibility inspires me to make three comments.

First, with regard to the incident itself, at this stage, the varying accounts available to us assure us as to the restraint of those involved. However, they do not provide the requisite clarity to come to a definitive conclusion. For the sake of the population of Gaza, we should nevertheless wonder about the usefulness of the counter-productive politicization that has resulted from an attempt to provide humanitarian assistance by ship.

Secondly, with regard to the deterioration of the humanitarian situation in the Gaza Strip, along with our partners in the European Union and the Quartet, which share our deep concern, we regularly call for the opening of the crossing points to both humanitarian and commercial traffic. The Israeli authorities cannot consider themselves absolved of their responsibilities vis-à-vis the Gaza Strip. We therefore call on them to assume their humanitarian responsibilities and lift the restrictions to access imposed against the press and the diplomatic community. Moreover, with regard to the humanitarian situation in southern Israel, we continue to systematically condemn all rocket launches from the Gaza Strip.

Thirdly, we welcome the state of calm achieved thanks to Egypt's mediation, with its dual goal of making a lasting improvement in the living conditions of the Palestinian and Israeli populations in and around the Gaza Strip. However, from the beginning, we have emphasized that tranquillity should not be an end in itself.

It is urgent that we put an end to the anomaly of the situation of siege that followed the illegal usurpation of power by Hamas in the Gaza Strip. There is an urgent need for the calm to yield to humanitarian, security, economic and political normalization. Finally, it is urgent that Hamas, which hopes to be seen as a political actor, act on its sense of responsibility for the true interests of the Palestinian people, beginning by

restoring the Gaza Strip to the sole and legitimate authority of President Abbas.

Mr. Kumalo (South Africa): We thank you, Sir, for convening this meeting upon the request of the Libyan Arab Jamahiriya to discuss the incident in which the Libyan vessel *Al-Marwa*, which was headed for the port of Gaza, was prevented from delivering aid by naval vessels of the State of Israel. My delegation regrets that humanitarian aid destined for the suffering people of Gaza was prevented from being delivered, since we believe that the port of Gaza is an integral part of Palestine.

The situation in the whole of the occupied Palestinian territories can be described as a humanitarian disaster in which innocent civilians continue to suffer the consequences of the lack of peace. At the centre of this problem is the fact that the people of Gaza have been suffering under an illegal blockade that has denied them humanitarian assistance of any kind. The root cause of all these difficulties is the illegal occupation by Israel of Palestine. Illegal settlement activity in the occupied territories seeks to change the facts on the ground and is a key obstacle to the peace process.

We urge the Council to demand that Israel immediately and completely end the blockade of Gaza, freeze all settlement activity, including natural growth, and dismantle outposts erected since 21 March 2001 in order to not change the facts on the ground and prejudice final status negotiations. Until such time as peace is firmly established between Palestine and Israel, the international community, and neighbouring States in particular, have a moral responsibility to assist the innocent victims.

Twelve months ago, at a meeting hosted by the United States at Annapolis and attended by the representatives of many countries from all over the world, including South Africa, Palestine and Israel agreed on a joint declaration expressing their determination to end their conflict and to work towards a peaceful settlement based on the existence of two States, Israel and Palestine, living side by side in peace and security. They further agreed to make every effort to conclude an agreement before the end of 2008.

We have reached a critical stage of the process, with the deadline set in Annapolis drawing ever nearer. Despite assurances that negotiations are continuing, the situation on the ground has not improved significantly since the start of the process. The time for the parties, the international community and the Security Council to act is now. The parties and the international community cannot sit back and allow the situation on the ground to continue to deteriorate, ending all hopes for a negotiated two-State solution.

The security of Israel can be secured only once a lasting and permanent solution to the Palestinian question is found. The security concerns of the State of Israel should not be used as a justification for denying the victims of this conflict access to humanitarian assistance. We call on the State of Israel to allow unhindered access to the international community to deliver the much-needed humanitarian support to Palestinians through all the crossings into Palestine, including the port of Gaza.

Finally, we would hope, as we have said many times before, that the Council will find it possible to pronounce itself on the humanitarian situation in Palestine, particularly in Gaza. We cannot continue to avoid confronting such an egregious situation.

Mr. Urbina (Costa Rica) (*spoke in Spanish*): The situation that has given rise to this meeting offers us an opportunity to refer, if only briefly, to the deterioration of the humanitarian situation of the Palestinian people in Gaza. As continually noted by the Secretary-General and his team, that progressive deterioration deserves to be considered at greater length by the Council.

The desperate action under discussion today was undertaken, as it were, in response to an equally desperate situation. The situation is frustrating. The channels established for the delivery of humanitarian assistance have proven to be insufficient to protect the civilians in Gaza and to alleviate their precarious living conditions. Only yesterday, the Office of the United Nations Special Coordinator for the Middle East informed us that all border crossings between Gaza and Israel remained closed, obstructing the passage of fuel and basic humanitarian deliveries to the Palestinian people. The Kerem Shalom crossing has been closed since 27 November. The Nahal Oz pipeline and the Karni conveyor belt stopped working on 26 November. As described by programmes and agencies of the United Nations and by the Office of the Special Coordinator for the Middle East, the restricted conditions in which they work and the deterioration of the humanitarian situation in Gaza are unprecedented and ongoing.

As I stated in this morning's consultations, my delegation believes that Israeli practices affect the delivery of humanitarian assistance to the population of Gaza and contribute to the deterioration of the situation. In that context, no one should be surprised that the actions undertaken by some friends of the Palestinians to provide humanitarian assistance come, perhaps, in response to the disproportionate punishment inflicted on the people of Gaza for the actions of a few. They may also respond to the inaction of this Council in the face of the desperate humanitarian situation in Gaza.

None of these facts exempts anyone delivering humanitarian assistance to the people of Gaza from the need to use appropriate channels or the good offices of third countries that can contribute to the truly important goal of delivering humanitarian assistance to the population in need.

In conclusion, Costa Rica fully understands Israel's concerns for its own security, but is equally concerned by the fact that the restrictions imposed by the Israeli authorities affect not only the individual actions of countries like Libya, but also the entirety of the humanitarian work of international agencies and humanitarian organizations. We have called forcefully in the past for an end to rocket and mortar attacks on southern Israel, and today we call on Hamas to place the true needs of the Palestinian people above all other considerations. We also respectfully urge the Government of Israel to facilitate the delivery of humanitarian assistance to the people of the Gaza Strip and to take measures to normalize their living conditions.

Mr. Lacroix (France) (*spoke in French*): The Libyan request for a meeting of the Security Council following the interception of a Libyan vessel raises the more general question of access, in particular humanitarian access, to Gaza.

The French position was recalled in a statement issued on 14 November by the presidency of the European Union. In that statement, the presidency of the Council of the European Union condemned the resumption of violence, particularly the rocket strikes from Gaza into Israel, and called for its immediate end. However, the presidency deplored the Israeli Government's decision to close border crossings into Gaza. This disproportionate response will again collectively punish the entire civilian population in Gaza, where the humanitarian situation is deeply worrying. The presidency of the Council of the European Union therefore called for the reopening of border crossings and the immediate resumption of fuel and humanitarian supplies.

In that regard, my delegation recalls that this year the European Union will once again submit to the General Assembly a consensual draft resolution on assistance to the Palestinian people that emphasizes humanitarian access. I also recall that France defends the principle of free humanitarian access in all circumstances and wherever a population is in need of international humanitarian assistance. My delegation welcomes the consensus demonstrated today by the Security Council on that principle, and hopes that such consensus will become the rule with respect to all items on its agenda.

Furthermore, again with respect to access to Gaza, the European Union presidency has deplored the refusal to allow the European heads of mission, including the French Consul General in Jerusalem, who is the Union presidency's local representative, to visit Gaza during a field trip to assess the humanitarian and economic situation.

France firmly believes that the Security Council has a role to play with regard to the Israeli-Palestinian issue. In view of the humanitarian situation in Gaza, we are prepared to work at any time on a response from the Security Council. We feel that such a response should address all the difficulties of access to the Gaza Strip by putting the incident involving the Libyan vessel in the broader context of access for humanitarian assistance and workers to the Gaza Strip by land and by sea.

If such a response should prove impracticable today or in the near future, we note also that the Quartet, in which France participates in its capacity as presidency of the European Union, will meet again in December. Moreover, the Security Council will hold an open meeting on the situation in the Middle East on 18 December. We feel that we should use both opportunities to explore possibilities of further action by the Council.

Mr. Suescum (Panama) (*spoke in Spanish*): At the outset, I should like to thank the representative Israel and the observer of Palestine for their statements.

Panama understands that this meeting was convened to highlight the very serious humanitarian situation in the Gaza Strip resulting from Israel's illegal blockade of that part of the occupied Palestinian territory. We are aware that the matter is part of a highly complex issue with interrelated aspects that mutually affect each other. Our delegation will therefore use the opportunity afforded by the Council's open debate of 18 December on the situation in the Middle East, including the Palestinian question, to convey its position on the various issues under this item.

With respect to the specific matter before the Council today, the Government of Israel's reluctance to lift the illegal blockade, despite the repeated appeals of the international community and the humanitarian disaster it is creating for innocent civilians, is a matter of grave distress to our country. As we have reiterated repeatedly, Panama is deeply concerned about the humanitarian situation in Gaza and urges Israel to lift the illegal blockade forthwith and unconditionally to allow the delivery of humanitarian assistance.

Mr. La Yifan (China) (*spoke in Chinese*): The Chinese delegation thanks you, Sir, for convening this urgent meeting at the request of the delegation of Libya. We listened carefully to the statements made by the representatives of Libya and Israel and the observer of Palestine, whom I wish to thank.

China is deeply concerned about developments since yesterday surrounding the Libyan ship *Al-Marwa*. We regret that the delivery of humanitarian supplies has once again been blocked. The current humanitarian situation in Gaza is grave. The population of Gaza is in urgent need of food, medicine and other emergency items. In such circumstances, Israel's siege of Gaza and its obstruction of humanitarian assistance will not only further exacerbate the plight of the Palestinian population, but will also poison the atmosphere in which both sides must conduct political dialogue and negotiations.

In our view, no issue can be used to justify the collective punishment of the people of Gaza. As the occupying Power, Israel is obligated under international law to respect and guarantee the satisfaction of the basic humanitarian needs of the people of Palestine. We again urge Israel to respond to the appeals of the international community by fully lifting the siege of Gaza and permitting the delivery of humanitarian assistance by the United Nations and the international community.

Mr. Bui The Giang (Viet Nam): As it has clearly stated on many occasions, Viet Nam is deeply concerned about the deteriorating humanitarian situation in Gaza, where more than 1.5 million Palestinians continue to suffer from a lack of food and medicine, the suspension of electricity and fuel supplies, the halting of services in hospitals and bakeries, the withholding of heating supplies during the winter and the paralysed functioning of sanitation and water facilities.

Against such a backdrop, we have followed with close attention the case of the vessel *Al-Marwa*. While underlining the responsibilities of both parties under the Road Map and relevant resolutions of the Security Council to refrain from any act or statement that may be detrimental to the peace effort, we once again urge Israel scrupulously to abide by international law — above all human rights and humanitarian law — put an immediate end to restrictive measures, open the border crossings, and ensure unfettered access for international assistance and humanitarian relief to the Palestinian population in all occupied territories. We call on all parties concerned to strengthen constructive dialogue and cooperation in order to arrive at a mutually acceptable solution, thereby promoting an environment most conducive to the peaceful settlement of disputes and to meeting the legitimate interests of the Palestinian people.

We support every effort of the United Nations, the Quartet and the international community at large to alleviate and ultimately end the humanitarian crisis in Gaza. In that connection, we wish to express our appreciation of the role played by the League of Arab States and Egypt, in particular in lessening the grave humanitarian situation in that part of the world.

Mr. Natalegawa (Indonesia): My delegation is concerned by the recent incident, as reported by the Permanent Representative of the Libyan Arab Jamahiriya. We have taken careful note of the views expressed by all related parties with regard to the incident.

The incident reminds us of the continuing grave humanitarian situation in the Gaza Strip. The humanitarian suffering caused by the illegal blockade and the closure of Gaza crossings by the Israeli authorities are well chronicled and unacceptable. The

provisions of international humanitarian law must be respected. We are aware that, at some points, Israel has allowed humanitarian assistance to enter Gaza. However, we believe that humanitarian access should be provided continuously and permanently in order to achieve tangible improvement of the humanitarian situation in Gaza. Many humanitarian agencies rely on the Israeli authorities for access to Gaza to assist a civilian population of more than 1 million living there.

My delegation underlines that the movement of persons and goods into Gaza should be immediately normalized in order to facilitate economic activity and to meet humanitarian needs.

The continued provision of emergency and humanitarian assistance by the international community to the Palestinian people in Gaza remains critical. In this regard, we commend the work and contribution of United Nations agencies, including the United Nations Relief and Works Agency for Palestine Refugees in the Near East, and other humanitarian organizations to mitigate suffering in the area.

While we need to urgently address the current dire humanitarian situation in the Gaza Strip, my delegation is not oblivious to the broader context of the issues under discussion. We consistently believe that finding a peaceful, just, lasting and comprehensive settlement to the Israeli-Palestinian conflict is of primary importance. At this juncture, it is our belief that the Council needs to provide positive encouragement to the parties to continue and redouble their efforts to engage in vigorous, ongoing and continuous negotiations and to make every effort to achieve meaningful and results-oriented efforts. It is also pertinent for the Council to call on both parties to avoid any actions, activities or statements that could undermine or hamper the peace process.

It is also important for the Council to encourage early improvements in the situation on the ground that could help build confidence among the parties and create an atmosphere conducive to negotiations. In short, we need for the Security Council to speak, to pronounce itself, with one voice.

Finally, we wish to reaffirm our support for a two-State solution that envisions the creation of an independent, democratic and viable Palestinian State living side by side in peace and security with Israel and its other neighbours.

Mr. Kafando (Burkina Faso) (*spoke in French*): The urgent convening of this meeting bears witness to the great importance of the question of the Middle East, which is at the heart of the Security Council's concerns.

The incident that occurred with respect to the Libyan ship prevented from delivering humanitarian aid to the Palestinian population raises once again the question of the blockade of Gaza. However, it is only one aspect of the complex situation, which requires the problem of the Middle East to be considered with a great deal of thought and, above all, a great sense of responsibility.

Together with the other members of the Security Council, we have always deplored the critical humanitarian situation that prevails in Gaza. The situation in general is of course of great concern, but it is particularly difficult at the present moment. The incident under consideration arises from the prevention of the supply of food and medication to that population, which is greatly in need of them. That is why we again to urge the Israeli authorities to lift the siege on Gaza, especially in order to facilitate the work of humanitarian organizations.

The Security Council has always been concerned by any form of obstruction imposed on humanitarian access, whoever perpetrates that obstruction and wherever it is carried out. That is why we believe that it would have been better in this case to reconcile the legitimate requirements of the Israeli State with the need to assist a population stricken by unilateral measures.

However, above all, the incident is another reminder that the role of the Security Council, just like that of the international community, is to persuade the two parties — the Israeli Government and the Palestinian Authority — to implement all the commitments they have undertaken in the context of the Road Map and the various recommendations to which they have agreed in order to reach a comprehensive and definitive settlement of the issue. As is now acknowledged by all, that will necessitate the existence of two neighbouring States living in peace and full security.

In spite of this incident, we would still like to welcome the relative calm of the situation overall. That calm must be capitalized upon in order to build confidence and maintain the spirit of Annapolis, which

would enable ongoing dialogue between Israel and Palestine. In conclusion, we reiterate our appeal to all the parties to show restraint in order to help in the peaceful settlement of the Israeli-Palestinian conflict.

Mr. Mantovani (Italy): First of all, I wish to welcome the Permanent Representative of Israel, Ambassador Shalev, and the Permanent Observer of Palestine, Ambassador Mansour, and to thank them for their interventions here with us in the Council.

We are convinced that the real issue and our top priority is to improve the living conditions of the people in Gaza and to respond swiftly to their urgent basic needs. All countries that are willing to contribute humanitarian assistance in response to the appeal issued by the legitimate Palestinian Authority should be encouraged to do so. We therefore share the motivations that led the Libyan authorities to send humanitarian aid to help the people of Gaza cope with the difficult conditions in which they presently live.

At the same time, precisely because our priorities should be to guarantee that this humanitarian assistance is correctly and promptly delivered to those in need, we must ensure that all assistance is channelled correctly and effectively, taking into account the situation on the ground. That is why we cannot agree with the modalities chosen in using the *Al-Marwa* to ship goods to the inhabitants of Gaza; there are established procedures respected by all donor countries that want to contribute humanitarian assistance to the people in Gaza.

As we know, one way is to channel this assistance through the United Nations agencies charged with such responsibilities. The World Health Organization, the International Red Cross and the United Nations Relief and Works Agency for Palestine Refugees in the Near East constantly work together with Israel and the Palestinian Authority to facilitate the import of foodstuffs and medicine into Gaza. Otherwise, third countries can be requested to undergo customs procedures, involving both Israel and the Palestinian Authority, required for those materials to be authorized for entry into Gaza.

In conclusion, we believe that, as in several past instances, including recently, the delivery of humanitarian aid aimed at assisting those in need, such as the young and the ill, whenever provided through the established channels will not encounter any obstacle from the Israeli authorities.

The President: I shall now make a statement in my capacity as the representative of Croatia.

Croatia shares the concerns expressed over the serious humanitarian situation in the Gaza Strip. We understand that resuming humanitarian activities and the provision of basic supplies to the civilian population of Gaza is a matter of urgency. Croatia welcomes the humanitarian effort to alleviate the situation of the Palestinian people, but it should not lead to instrumentalizing the suffering of the civilian population for other purposes. There exist established channels and procedures for delivering aid. We believe that those should be followed in the interest of all of the parties and beneficiaries of such actions.

We note, for example, that the ministers for foreign affairs of the League of Arab States, meeting in Cairo, pledged in their statement that their Governments would send food and medicine to Gaza and said that they would coordinate with Egypt and Jordan to ensure that their supplies enter Gaza.

Israel's legitimate security concerns should not be casually disregarded, as it has been confronted with hostile shipments in the past. Furthermore, the humanitarian situation in the Gaza Strip cannot be seen in isolation from its wider background and its underlying causes, at the heart of which is Hamas' usurpation of the legitimate institutions of the Palestinian Authority in Gaza. We hope that the five-month period of calm in Gaza and southern Israel will persist for the benefit of both sides, leading to the improvement of living conditions for the civilian population of Gaza and the opening of the crossings for the movement of persons and goods.

Regrettably, the renewed rocket attacks into Israel from Gaza are calling into question the commitment of Palestinian groups to prolonging the calm. Such acts, which give rise to Israel's exercise of its undeniable right to self-defence, are irresponsible and unacceptable and have to be brought to an end.

Croatia believes that only a political settlement that is a two-State solution can fundamentally alter the socio-economic situation for the Palestinian population and guarantee security for Israel. At this moment in time, all efforts should be focused on preserving and advancing the dynamics of the peace process started last fall in Annapolis and on ensuring its transition into the year 2009.

I resume my functions as president of the Council.

The representative of the Libyan Arab Jamahiriya has asked to make a further statement. I give him the floor.

Mr. Ettalhi (Libyan Arab Jamahiriya) (*spoke in Arabic*): I will speak briefly in view of the fact that this has been a long day for the Council. Hence, I will not answer the accusations made against my country by one of the speakers, because we are accustomed to that country levelling provocative accusations instead of focusing on substantive issues. The aim of those actions is well known to all and I will not promote it.

I do hope, however, that I misunderstood the representative of the United States of America when he said that the Charter does not protect the folly of States. I would like to ask: Can the act of sending humanitarian assistance to people who are subject to an unjust siege be called folly? If that is folly, then what can we call the defence of the inhuman and illegal practices undertaken by the Israeli authorities against the Palestinians? I do not wish to recall all those practices here.

It is regrettable that the representative of the United States of America has ignored the facts on the ground, as if the Israelis had not closed all border crossings and even prevented United Nations personnel from delivering assistance. That representative is ignoring the fact that, since calm was established in June 2008, it has not been breached by the Palestinian resistance in Gaza, which has simply reacted to repeated breaches of that calm by others.

I requested the convening of this meeting because of a specific incident. I felt that the Council should meet to consider that situation. The Council responded and I thank Council members for that. What has the firing of missiles from here and there to do with that situation? A ship was subjected to the threat of force by gunboats and forced to go in a specific direction on the high seas in international waters. Is that not a grave action that deserves the attention of the Council? Has the Council grown inured to such incidents or the way they relate to an issue, even if the issue is directly relevant to developments in the occupied Palestinian territory? Is speaking of such an issue prohibited and considered folly? I will confine myself to those remarks.

The President: I give the floor to the representative of the United States of America to make a further statement.

Mr. Wolff (United States of America): I am not in the habit of taking the floor twice in public meetings like this, but since some direct questions were posed to me, I do not want to leave the room with people wondering what my response might be.

The reference to folly was very clear and it did not refer to the intention to send humanitarian assistance, which my Government participates in. My Government provides humanitarian assistance. I do not have the exact statistics, but it is my understanding that this is the first time since 2006 that the Government of Libya has tried to provide assistance to the Palestinian people. I may be wrong, but that is the information that I have, and it raises a question about what the real motives are.

The reference to folly relates to the point I made at the beginning, which is that if the intent is to provide humanitarian assistance, which we support, it is hard to imagine an approach better designed to fail in that effort than the one undertaken in this incident. As we know, these are countries that do not have diplomatic relations with each other. There is hostility between them. It would be unreasonable to expect that an uncoordinated yet premeditated effort to deliver assistance into areas patrolled in the waters off Gaza, under agreement with the Palestinian Authority, would be allowed to go unchallenged in this day and age. Again, the point I made is that it is remarkable that this did not escalate, and we should all be grateful for that. Therein lies the folly — not in the act of trying to provide humanitarian assistance.

The President: There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 6.45 p.m.